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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Note by the Secretariat

1. By note verbale dated 22 September 1994, the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva requested the Centre for Human Rights to transmit to the Commission on Human Rights the reply of the Government of Iraq to the report of the Special Rapporteur on the situation of human rights in Iraq which he had submitted to the Commission at its fiftieth session (E/CN.4/1994/58 of 25 February 1994).

2. The above-mentioned reply of the Government of Iraq was submitted to General Assembly at its forty-ninth session and appears in document A/49/394 of 19 September 1994. This document is being made available to the members of the Commission at its current session.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Note by the secretariat

At the request of the Government of the Sudan, transmitted in a letter dated 6 February from the Permanent Representative of the Sudan to the United Nations Office at Geneva addressed to the High Commissioner for Human Rights, document A/C.3/49/22 is being made available to the members of the Commission on Human Rights at its fifty-first session, in connection with the consideration of item 12 of the provisional agenda.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 9 February 1995 from the Permanent Representative of the Republic of Croatia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to forward to you the appeal of the "Association of Croats from Northwestern Bosnia" on the appalling practices of ethnic cleansing and genocide perpetrated by Bosnian Serbs in the region of Banja Luka.

The horrifying tragedy and suffering of tens of thousands of expelled Croats from the northwestern part of Bosnia and Hercegovina demand a rapid and determined action of the international community and international organizations. I would like to urge you to engage all your efforts and prestige in order to prevent such practices of ethnic cleansing.

I would request that this letter and the enclosed appeal be circulated as an official document of the fifty-first session of the Commission on Human Rights under agenda item 12.

(Signed) Miomir Zužul
Ambassador
Permanent Representative

GENOCIDE AGAINST CROATS IN THE CITY OF BANJA LUKA

Of the 80,000 Croats who lived in northwestern Bosnia before the war, over 50,000 have been expelled by Serbian forces over the last three years. This includes 20,000 out of 30,000 Croats who lived in the city of Banja Luka. During this time the entire non-Serbian population has either been killed, expelled or mistreated. They have been subjected to terror and forced labour, often being taken to the confrontation lines to serve as human shields and being forced to fight against their own people (in violation of article 147 of the Fourth Geneva Convention).

During the last two months the situation has become even worse as exemplified by the events of the 5 December 1994 and of Christmas day, when Croat and Muslim civilians (approximately 300 persons) were taken away to serve in the Serbian forces. This was repeated on Sunday, 29 January 1995, when, after attending a religious service, some twenty Croat male civilians were taken from the town of Surkovac near Prijedor. The whereabouts of these men are still unknown. There have also been numerous incidents of severe physical and psychological abuse of innocent civilians. There has been an even greater number of acts of looting, robbery, and illegal confiscation of private property - that has occurred daily over the course of the last ten days.

We cite only some cases of sadistic treatment of elderly individuals which occurred in the last few days. I.A.K. from the village of Abrići, M. and R.D. from the village of Kozara, R.R. from Ivanjka, and M.S. from Dragočaj were subjected to severe physical abuse and their property was pillaged and destroyed. As a result, they are experiencing serious psychological trauma and are in need of medical treatment.

Serbian forces continue to enter Croatian-inhabited villages and engage in acts of physical and psychological abuse, pillage and robbery, while threatening the inhabitants in order to force them to leave their homes in the shortest time possible. The inhabitants are often forced to leave their homes without being allowed to take any belongings with them. The Serbian forces coerce them into signing papers which state that they have left "voluntarily" and charge them 200 to 500 German Marks for the "right to leave".

The mobilization of Croats between the ages of 18 and 65 has resumed. Among the mobilized are individuals who returned only recently from the battlefields in Glamoč and Bosansko Grahovo where they have been used as human shields by the Serbian forces. Because of this terror, the people are frightened and are worried for their lives. As a result they have begun to panic and leave in large numbers. Although the Serbian authorities are aware of this situation and receive daily appeals from the Bishop of Banja Luka Franjo Komarica, they have not undertaken any measures to protect the innocent non-Serbian civilians who have been left to the mercy of the Serbian bands.

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Letter dated 9 February 1995 from the Permanent Representative of Croatia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to submit to you the enclosed "Aide-memoire" on the situation of the Croat minority living in the Federal Republic of Yugoslavia (Serbia and Montenegro), which is deprived of its fundamental minority and human rights. I would, therefore, ask you kindly to circulate this letter and the enclosure as an official document of the fifty-first session of the Commission on Human Rights under agenda item 12, expecting that this information will assist the Commission in its deliberations on the legal and actual position of various minorities living in the Federal Republic of Yugoslavia (Serbia and Montenegro).

(Signed) Miomir Žužul
Ambassador

GE.95-10945 (E)

AIDE-MEMOIRE

1. Croats as a national minority in the Federal Republic of Yugoslavia (Serbia and Montenegro) exist outside the legal system. The official position of the Government of the Federal Republic of Yugoslavia is that the following can have the status of a national minority:

A part of a people;

A people having its own State recognized by the Federal Republic of Yugoslavia (Serbia and Montenegro).

This position has been expressed in public announcements and official written replies by Margit Savović, a government minister responsible for human rights and the rights and freedoms of national minorities, and in the draft law of the Federal Republic of Yugoslavia (Serbia and Montenegro) on Freedoms, Rights and Duties of Persons Belonging to National Minorities and Ethnic Groups (arts. 2 and 29). Since the Federal Republic of Yugoslavia (Serbia and Montenegro) has not recognized the Republic of Croatia and claims the right of continuity with the former Yugoslavia, no status of a national minority is recognized to the persons in the Federal Republic of Yugoslavia (Serbia and Montenegro) belonging to the Croatian people.

2. Croats in the Federal Republic of Yugoslavia (Serbia and Montenegro) live, in Serbia, in (a) Voivodina, north of the rivers Sava and Danube, in three areas: Bačka, Banat and Srijem; (b) Kosovo; (c) Belgrade and other major centres of Serbia proper; and, in Montenegro, in Boka Kotorska and parts of the Montenegro littoral.

3. Croats in Voivodina are an indigenous population. Most Slavs settled there in the migration of peoples which belonged to the Croatian tribes. It was only after the fall of the Serbian Despotate in 1459, the last remnant of the Serbian State at the time of Turkish conquests, that Serbs started arriving in the area by crossing the rivers Danube and Sava. After the liberation of Voivodina from Turkish rule an additional immigration wave of Croats from Bosnia and Herzegovina and Dalmatia followed. The biggest groups of Croats settled there in the period 1683-1690. Before the fall of the Austro-Hungarian Empire (1918) Voivodina had never been a part of Serbia. Throughout the period from Pacta Conventa (1102) to the Turkish conquests Bačka, Banat and Srijem were integral parts of the Hungarian State and the population there was Catholic. By the Austro-Hungarian Agreement (1867) and the Croatian-Hungarian Agreement (1868) Bačka and Banat became parts of the State territory of Hungary and the whole of Srijem became an integral part of the State territory of Croatia. In Kosovo, Croats have been living in Janjevo, Letnica and Vrnavokolo since the fourteenth century. They arrived from Croatia, mostly from Dubrovnik, and its surroundings, as lessees of mines, tradesmen and craftsmen. In Montenegro, Croats lived in Boka Kotorska and a part of the Montenegro littoral as the only population since the settlement of Slavs. Today the demographic structure has been changed to the detriment of the Croats.

4. According to the 1991 census, the Croatian population in what is now the Federal Republic of Yugoslavia (Serbia and Montenegro) totalled 111,650 and was distributed as follows:

Voivodina	74 808
Serbia proper (without Voivodina and Kosovo)	22 536
Kosovo	8 062
Montenegro	6 244

The official statistics, however, are unreliable, exposed as they were to various manipulations. Thus many Croats were described in sub-ethnic terms, such as Bunjevacs or Shokacs. These have always belonged to the Croatian people and many of them declared themselves as Yugoslav for obvious practical reasons. The Catholic Church estimates that in April 1991 about 220,000-250,000 Croats lived in the area of the Federal Republic of Yugoslavia (Serbia and Montenegro). From 1918 onwards the demographic structure in Voivodina was being systematically changed. Over two periods (1920-1924, 1945-1948) about 162,000 Serbs and 40,000 Montenegrins were brought to Voivodina as part of planned colonization.

5. In view of the fact that Croats in the Federal Republic of Yugoslavia (Serbia and Montenegro) live outside the legal system, they enjoy no right to primary, secondary and higher education in their native language, whereas the other national minorities have their own theatres, children's theatres and other State-sponsored cultural institutions. It should be noted that in the period 1870-1947 the Croats in Bačka had 43 publications in the Croatian language. In Subotica, a town with more than 100,000 inhabitants, 70 per cent of whom were Croats, they had their own primary and secondary schools, giving instruction in the Croatian language, until 1956. The situation in the area of education and culture was similar in Boka Kotorska. Until 1918 instruction in schools was given in the Croatian language and a series of cultural and educational institutions were active. Through gradual repression, all this completely disappeared in the 1950s.

6. In addition to being deprived of special minority rights, Croats in the Federal Republic of Yugoslavia (Serbia and Montenegro) are denied basic human and civil rights and freedoms. As recorded by the Democratic Union of Croats in Voivodina, more than 50 serious criminal acts have been committed, in Voivodina alone, against Croats (murders, grave bodily injury, attacks on property, churches and cloisters); the perpetrators have never been found or brought to justice.

7. It is estimated that, as a result of this situation, from 1991 (when the war of aggression was waged against Croatia) to January 1994 about 70,000 Croats were forced to leave the Federal Republic of Yugoslavia (Serbia and Montenegro) and settled in the Republic of Croatia, as follows:

From Voivodina	more than 35 000
From Belgrade and other major centres	about 20 000
From Boka Kotorska and Montenegro littoral	about 7 000
From Kosovo	about 7 000